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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

REPUBLIC OF DJIBOUTI

[17 February 1998]

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Introduction

1. The Convention on the Rights of the Child, adopted on 26 January 1990, is a universal legal framework aimed at promoting special protection for children in order to contribute to their happiness and build a more just society for the future ensuring greater respect for human rights. The Republic of Djibouti was one of the very first countries in the world to ratify the Convention. Its promptness in ratifying the instrument, on 6 December 1990, illustrates the Government's firm political will to fulfil the solemn undertaking before the international community to create the conditions necessary for effective enjoyment of the rights recognized by the Convention.

2. Unfortunately, since the beginning of the 1990s, several factors have slowed the initial high-level momentum towards implementing the provisions of the Convention on the Rights of the Child. First, regional conflicts in Ethiopia and Somalia during this period have led to a substantial influx of refugees, who are still today putting a strain on the country's already limited resources and bringing social infrastructures to saturation point. Secondly, a domestic conflict broke out in November 1991 which destroyed or disrupted many social and other infrastructures, threatened security and caused movements of population towards the capital and towards neighbouring countries. This conflict was also the root of the economic and financial crisis which still afflicts the country today. The population's living conditions, particularly those of the most vulnerable groups - women and children - were established when peace was restored in accordance with the agreements signed on 26 December 1994.

3. The preparation of this initial report on the implementation of the Convention on the Rights of the Child, which has been considerably delayed by the repercussions of events before peace was restored, thus clearly illustrates the Government's desire to relaunch action for children. This is demonstrated by various initiatives:

Incorporation of the provisions of the Convention on the Rights of the Child into national legislation (Penal Code and Code of Penal Procedure);

Creation of the Djiboutian Day of the Child (20 November);

Preparation of the Family Code;

Establishment of a children's parliament;

Incorporation of the Convention's provisions into the national school curriculum;

Translation of the Convention on the Rights of the Child into national languages (Afar, Somali);

Various other measures to publicize and promote the Convention on the Rights of the Child through all means of communication (national media, leaflets, brochures, meetings, campaigning, etc.);

Preparation of a brochure on the Convention in French, aimed at children (with pictures).

I. GENERAL MEASURES OF IMPLEMENTATION

4. By ratifying the Convention on the Rights of the Child, the Republic of Djibouti reaffirmed its commitment to policies aimed at enabling each child to enjoy the fullest rights and the best possible welfare. Djibouti has also worked towards adopting a package of legislative, administrative and social measures and towards giving a new impetus to overall programmes started since independence to align its legislation and policy more closely with the Convention's provisions and to put in place national and local mechanisms to coordinate action for children and monitor the implementation of this policy.

A. Measures taken to align national legislation and policy with the provisions of the Convention

5. Djibouti's legislation has in recent years undergone many amendments which have affected penal, civil, social and administrative rules and regulations, including those on personal status. Notable progress has been achieved at institutional and legal levels to benefit children: the existing machinery for protection has been supplemented by specific reforms and strengthened by the addition of new texts; and administrative and other measures have been taken to promote young people's health and development.

6. Provisions relating to the prohibition of harmful traditional practices such as genital mutilation or infibulation, undergone by Djiboutian children from a very young age, have thus been incorporated into the new Penal Code, notably article 333. An ambitious health programme has also been put in place to reduce infant mortality and to combat serious diseases which can affect children. The objective of setting up multiple vaccination campaigns has largely been achieved.

7. The Government is also seeking, within the means available to it, to allocate sufficient resources to meet children's basic health and education needs, as well as to give support and help to the most disadvantaged groups: disabled children, delinquents, abandoned or orphaned children, etc. Finally, 20 November has been declared the National Day of the Child.

B. Mechanisms to coordinate action for children and monitor the implementation of the Convention

8. The Republic of Djibouti took part in the World Summit for Children held on 30 September 1990 at United Nations Headquarters in New York, where heads of State and Government from 71 countries throughout the world adopted the World Declaration on the Survival, Protection and Development of Children and the Plan of Action relating to that Declaration.

Intersectoral committee on follow-up of the World Summit for Children

9. The setting-up on 30 September 1991, at the official launch of work to elaborate the National Action Programme, of an intersectoral committee on follow-up of the World Summit for Children, under the patronage of the Prime Minister, was one of the most significant actions taken and the culmination of a very long process of improving awareness of children and their needs in the Republic of Djibouti. To make these commitments a top political priority, the objectives of the Declaration were incorporated into the Government's five-year plan (1991-1995), as part of the "Overall plan for action and projects on economic and social development".

Action by the Ministry of Justice

10. The ratification of the Convention on the Rights of the Child coincided with ambitious work initiated by the Ministry of Justice in Djibouti to reform the judicial codes, with the explicit aim of adapting them to the situation in Djibouti. This was a fortunate coincidence which enabled the authors of the reform to update legislation in line with the provisions of the Convention. In this context, the Government, in collaboration with the United Nations Children's Fund (UNICEF), has invited child welfare associations to participate in consultations and continuous dialogue with the aim of establishing a joint cooperation programme. The Government has committed itself to broad circulation and publicizing of the Convention, as well as of the present report to the Committee on the Rights of the Child.

C. Measures to publicize the provisions of the Convention

11. Well before ratifying the Convention on the Rights of the Child, Djibouti began a campaign to increase public awareness of its provisions and to prepare for its practical implementation. The fact that measures have been taken despite an obvious shortage of resources demonstrates the paramount importance of the child in the decisions of all legislative bodies and administrative and judicial authorities. The fact that the issue of children is a top priority reflects its newly-acquired political importance, despite the highly unstable situation in the region.

12. Now that the Convention on the Rights of the Child enjoys legal status in Djibouti, it can be used as a tool for promoting the survival, development and protection of Djiboutian children, which is one of the Government's priorities for the 1990s. In addition to the establishment of the Djiboutian Day of the Child, which provides a national frame of reference for continuous campaigning at the highest level, various specific actions are worthy of mention.

13. Productive collaboration between the National Education Centre for Research and Pedagogical Information (CRIPEN) and UNICEF has enabled an authoritative handbook to be produced, incorporating the provisions of the Convention on the Rights of the Child and guidelines for primary school teachers, so that they can prepare lessons on the articles of the Convention during the year. This collaboration has also enabled the preparation and launch of a project for radio broadcasts in four languages on the advancement of girls.

14. As part of the process of reforming national legislation codes, sustained action has been taken in the Ministry of Justice to draw up a family code incorporating the Convention's provisions. In addition to this work on reforming legislation, the Ministry of Justice, in cooperation with other partners, has concentrated on issues for discussion relating to child labour, the right to education, and legal protection of children or young people whose safety or physical, psychological or emotional development is threatened by members of their family (early marriage, child-care problems, etc.).

15. Therefore, in pursuance of these aims, and following the example of other countries, the President of the Republic in 1995 declared a National Day of the Child, so that 20 November each year would be a celebration of Djiboutian children and an opportunity to remember that the rights of the child are a national priority.

D. Measures to ensure that the national report is made widely available to the public

16. Circulating the present report among the population is one way to contribute to knowledge of the Convention on the Rights of the Child, to encourage debate on improving the situation of children and to make the public more aware of the issue. Non-governmental organizations (NGOs), public authorities and experts have therefore been asked to provide relevant information for the report since its very conception. The celebration last 20 November of the National Day of the Child was one source of additional material.

17. Once the report has been submitted, it will be circulated widely to all ministerial departments, NGOs, organizations concerned with children, and the media. Broadcasts and meetings will also be organized to familiarize people with its content, to comment on it and to discuss possible solutions to the problems faced by Djiboutian children.

II. DEFINITION OF THE CHILD

18. The provisions applicable to children in Djiboutian law actually cover a variety of situations depending on the branch of the law in question. Civil majority is set at the age of 18 years. Other age limits set for particular purposes should serve to improve the protection of children.

A. Age of civil majority

19. The age of civil majority, derived from French law in force during the colonial era, is 18 years, as stipulated in the provisions of the Civil Code applicable in Djibouti. Children under 18 therefore lack legal capacity. Moreover, children under 13 totally lack legal capacity: they are considered to be incapable of discernment and all their acts are null and void.

20. Children aged between 13 and 18 have limited capacity: they are considered to be capable of discernment. Such a child's acts are valid if they are to his advantage and null and void if they are prejudicial to him. In any other case, the validity of his acts is subject to the agreement of his guardian.

21. Moreover, it is always possible to emancipate a minor by judicial decision and at the request of the minor or his guardian. A child thus emancipated acquires full civil capacity. The judge may withdraw emancipation if need be.

B. Minimum legal age for particular purposes

Criminal law

22. A minor under 13 years of age cannot be held criminally responsible because he is incapable of discernment. An offence is not punishable if the accused was under 13 at the time of its commission. A minor aged between 13 and 18 is regarded as partially exempt from responsibility because he is not fully capable of discernment. In the case of both serious and ordinary offences, the fact of being a minor is a mitigating circumstance, and protection or rehabilitation measures may be ordered under article 498 of the Code of Penal Procedure. Offenders who have reached the age of criminal responsibility - 18 years - are deemed to be fully responsible.

23. The basis for determining whether or not an offender has reached the age of criminal responsibility is his age on the day of the offence. If there is no record of his civil status and his date of birth is disputed, the court hearing the case makes a judgement once it has ensured that a medical examination and any investigations it considers necessary have been carried out.

Right to work

24. The law in force regulates the paid employment of teenagers. In public sector jobs, the minimum age is 18 years. However, in sectors which are subject to labour regulations (trade, industry, agriculture) a special regime applies to children aged between 13 and 18.

25. Night work remains prohibited until the age of 16 and special dispensations in ordinary law are intended to protect young employees as regards working hours, holiday entitlement and occupational health, as well as hygiene and safety conditions. The Government's plan to reform the Labour Code should raise the minimum working age to 14 years and gradually extend this legal protection to unsalaried work.

26. As is the case for all civilian and military jobs, young people under 18 may not be accepted into the army. Moreover, there is still no compulsory military service in Djibouti.

Other definitions of the child

27. Djiboutian law on licensed bars and similar establishments totally prohibits the employment in such establishments of minors aged under 18, as well as prohibiting the entry of minors under 16 who are not accompanied by their parents or guardians.

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

28. Non-discrimination is a constitutional principle confirmed by Djibouti's ratification of the relevant international conventions and by provisions in domestic legislation. Thus, article 10 of the Constitution declares that all are equal before the law. Other constitutional provisions guarantee Djiboutian citizens, on a strictly equal basis, freedom of movement (art. 14), freedom of expression in all its forms (art. 15), freedom of assembly and freedom to belong to the trade unions or political organizations of their choice. Finally, the same provisions affirm the principle of equality in work and education.

29. Domestic legislation is also undergoing continuous reform with a view to strengthening equality and combating discrimination. The aim is to ensure that this principle constitutes a fundamental rule. However, there are some exceptions to this rule, such as the authority of a father over his young daughters, which is more extensive than over his sons, the absence of filiation by adoption and differences in inheritance shares, which are based on religious reasons.

B. Best interests of the child (art. 3)

30. The best interests of the child are a primary consideration in any action undertaken but above all in cases where there is a conflict in the realization or exercise of different rights set out in the Convention. Keeping this principle in mind enables contradictory interests to be reconciled and balanced (for example, the family environment in which every child should grow up versus separation from the parents if they mistreat the child).

31. The role of family and parents in safeguarding the best interests of the child is paramount. A child is the subject of the law but is above all at the centre of his parents' life. He is the offspring of a mother and father who, by having a child, have taken on the commitment of being parents. This means they have obligations towards a being who is not fully formed and who depends totally on adults to meet his physical and emotional needs.

32. Though the family's role is paramount, the role of the State should not be forgotten. The State's law provides a legal framework and its social and judicial services assist the parents, who have primary responsibility for the child, by helping them to understand their responsibilities better and to fulfil them more effectively. In cases of serious inadequacy, the State may intervene if necessary and appropriate. In Djibouti, particularly in the last few years, provisions relating to criminal law, education and vocational training state explicitly that the best interests of the child and the safeguarding of his rights must be taken into consideration.

C. Right to life, survival and development (art. 6)

33. The Republic of Djibouti considers its legislation and policies to be perfectly in line with the principles contained in article 6 of the

Convention. The child's right to life, as for all citizens, is protected by the classification of various crimes in the Penal Code, which punishes attacks on human life (murder, assassination, poisoning, intentional homicide). The child is also subject to special protection which begins in the womb. The Djiboutian Penal Code (arts. 447, 448, 449 and 450) authorizes abortion only if it is essential, on medical grounds, to safeguard the mother's health.

34. Protection of the child as regards other aspects of the right to life, survival and development is ensured by provisions relating, inter alia, to personal status and the right to work, education, social welfare and health care. The child is also given special protection in the Penal Code, which punishes any violence or deprivation inflicted on a child under 15 that causes death or disability (art. 453 of the Penal Code) (see para. 64 below). Djibouti has developed a comprehensive policy for fulfilling all these objectives by giving substantial support to action for children.

D. Respect for the views of the child (art. 12)

35. The Djiboutian Constitution guarantees freedom of expression, a fundamental freedom which is also confirmed by the civil liberties regime. This right is covered by the same guarantees for children and is exercised in practice under the supervision of the parents, who are responsible for the child's upbringing and care.

36. More specifically, the legislation is applied to preserve the child's right to express himself and to be defended if proceedings are instituted against him; the juvenile magistrate is required to inform the child's parents, guardian or the person who is known to have custody of the child if this happens. In Djiboutian civil courts, the child is represented by his legal guardian.

37. The need to take the child's opinions into consideration and to recognize his right to free expression of his choices and views applies not only within the context of the family. The Republic of Djibouti intends to develop further its policy in this area and is firmly committed to maintaining a consistent approach and implementing specific programmes to increase awareness among parents, teachers and all representatives of social and judicial services. This will allow us to build a complete concept of the child as an active participant in all aspects of family and social life and in all matters relating to his own needs and interests.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

38. In Djibouti, the right from birth to a name is rooted both in the history and in the current sociological situation of our country. Within a week after his birth each child is therefore given a forename, followed by the forenames of his father and grandfather. The three names taken together make up the name of the Djiboutian child as entered at the civil registry and on the birth certificate. The civil status regime stipulates that the birth must

be registered within 30 days. Failure to declare the birth within this time obliges the defaulter to obtain a birth certificate by means of a special ruling.

39. In Djibouti, nationality is governed by the law of 1982 containing the Djiboutian Nationality Code. It is acquired by filiation. Hence any child is Djiboutian when the mother and father are both Djiboutian (art. 8) or if the child has only one Djiboutian parent able to provide evidence of birth before 27 June 1977, the date of independence (art. 5). Nationality is furthermore conferred by marriage, but only if the marriage took place before 27 June 1977 (art. 12). A child born in Djibouti of unknown parents may also acquire Djiboutian nationality. However, in such cases, a child born in Djibouti of unknown parents would be considered never to have been Djiboutian if, while still a minor, he is proven to be the offspring of a foreign parent whose nationality could be passed on to the child. The provisions of the Nationality Code are, therefore, designed to avoid any cases of statelessness, in accordance with the recommendations in article 7, paragraph 2, of the Convention.

B. Preservation of identity (art. 8)

40. Preservation of the child's identity is ensured by Djiboutian law, which punishes failure to declare the child at the civil registry, since such a declaration is compulsory. The Penal Code also punishes anyone who finds a new-born baby abandoned and does not declare this to the authorities (art. 452). Djiboutian nationality is acquired from birth. Cases of loss or deprivation of nationality are strictly defined in the Nationality Code, in such a way as to conform to the rules recognized in international law. Moreover, there is no legal or regulatory provision which allows a child to be deprived of the right to preserve his family relations. Finally, article 3 of the Constitution stipulates that no one may be deprived of his status as a member of the national community.

C. Freedom of expression (art. 13)

41. Article 15 of the Djiboutian Constitution and the laws in force, notably the 1992 law on freedom of communication, recognize the fundamental right to freedom of expression for both adults and children. The only restrictions on this right are imposed for obvious reasons, namely to prohibit defamation, unjustified attacks on another person's reputation, propagation of hatred and other attitudes based on racial, religious, ethnic, sexual or other forms of discrimination. Djiboutian law is thus completely in line with article 13, paragraph 2, of the Convention on the Rights of the Child.

D. Access to information (art. 17)

42. Thanks to its political and trade union pluralism, the Republic of Djibouti has made significant progress in the exercise of public freedoms. As regards access to information, it should be emphasized that the number of press organs continues to grow and the right to start a new publication can be exercised through the simple formality of notifying the judicial authorities.

Any citizen may publish a newspaper, whether it be of a political, cultural, artistic, sporting or professional nature. Moreover, the foreign press is freely circulated in Djibouti.

43. People have access to information through national radio, which broadcasts in four languages (French, Arabic, Afar and Somali), national television, which has been developing in the last few years, and free reception of satellite television programmes. Moreover, children's programmes broadcast by the media come from both national and international sources, which enables Djiboutian children to have access to other cultures while remaining rooted in their own culture, which is both an African and a Muslim culture.

E. Freedom of thought, conscience and religion (art. 14)

44. The 1992 Constitution reaffirms the equality of all before the law, freedom of opinion and freedom of expression in all its forms, and emphasizes that the State guarantees freedom of worship to all (art. 11). The right to freedom of worship is recognized for monotheistic religion. However, the preamble to the Djiboutian Constitution states that Islam is the State religion. In fact, almost the whole population of the country is made up of Muslims. Therefore, Muslim religious values are integral to public policy in Djibouti and must be respected by both Government and citizens. In domestic law, the Code of Personal Status contains the principle that any legitimate child of a Muslim father belongs to the Muslim religion. Mindful of the inherent physical and moral vulnerability of children, the Government recalls these principles to protect children against all forms of indoctrination.

F. Freedom of association and of peaceful assembly (art. 15)

45. Freedom of association and freedom of peaceful assembly are guaranteed by the Constitution (art. 15), and classed as fundamental principles; since the provision is of a general nature, these freedoms are guaranteed to children as well as adults. Indeed many associations have been created in Djibouti to develop cultural, humanitarian and sporting activities primarily for the benefit of children.

46. Moreover, the regulations governing public meetings do not call for any administrative authorization. The organizers of such events must inform the competent authorities in advance, and these authorities are not permitted to oppose a planned event unless they consider that it is likely to disrupt public order. In practice, it may be noted that some restrictions on freedom of assembly have occasionally been applied in the case of political demonstrations. However, no such restrictions have ever been imposed on activities intended for children or organized by them. In fact, the problems which associations encounter are of a material rather than a legal nature.

G. Protection of privacy (art. 16)

47. Protection of privacy is a right recognized for all by the Constitution, which guarantees the inviolability of the home (art. 12) and the privacy of correspondence (art. 13). The Penal Code stipulates prison sentences which may range from between one and three years for any individual who has breached

the inviolability of the home (arts. 417 and 418) and a sentence of one year for any person who has infringed the principle of the privacy of correspondence (art. 439).

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37)

48. By law, the child enjoys the same protection against torture or other cruel, inhuman or degrading treatment or punishment as any person. Three articles of the Djiboutian Penal Code refer explicitly to torture. The penalty for kidnapping, detention or abduction is heavier if the person kidnapped, detained or abducted is subjected to physical torture: in such cases, the punishment incurred is life imprisonment (art. 302 of the Penal Code). A sentence of 20 years' imprisonment is incurred by anyone who commits acts of torture or barbarity against a person under 15 years of age (arts. 324 and 325 of the Penal Code).

49. The Code of Penal Procedure provides that a person may be held in pre-trial detention or subjected to a custodial penalty only in a penal institution and by virtue of a court order or warrant of commitment, or a judgement or sentence (art. 571). The Code explicitly affirms the principle of the presumption of innocence, on which the rules for the prosecution and trial of offenders are based, and arrest, police custody, pre-trial detention and imprisonment are strictly regulated.

50. Consequently, during police custody and pre-trial detention, as well as during imprisonment after sentencing, any torture or cruel, inhuman or degrading treatment is formally prohibited and incurs heavy penalties. In this connection, it should be mentioned that Djibouti has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

51. The role of family and parents is of the utmost importance. A child is the subject of the law but is above all at the centre of his parents' life. Gradually substituting the concept and logic of parental responsibility for that of guardianship of the child would make it possible to redefine the parent-child relationship, as well as review the reforms already undertaken in this area and others which should be introduced, in order to find appropriate solutions to the problems of many children living in difficult situations, in keeping with the best interests of the child.

A. Parental guidance (art. 5)

52. There is no task more fundamental to human life than that of protecting one's offspring and responding to their needs. The natural instinct to do this is also a holy duty prescribed by religion and a requirement under the laws enacted by the legislators. Djiboutian law fits broadly within this context, notably by regulating institutions, maintenance allowances, custody and guardianship.

93. It is, therefore, for the parents to decide how to bring up their child. The legislator intervenes only in situations where the interests of the child are at stake. Thus, parents are required to fulfil certain obligations which constitute the child's essential rights, such as declaring his birth at the civil registry, enrolling him in an educational establishment and making sure he is immunized against certain preventable illnesses.

94. The law provides for intervention in the family unit only if the parents are guilty of acts of violence against their children or if their habitual behaviour exposes their children to physical or moral danger. The child may in such cases be withdrawn from his family.

B. Parental responsibilities (art. 18, paras. 1 and 2)

95. Djiboutian legislation lays down the principle that couples are responsible for the proper upbringing of their children, as well as for managing their affairs, including education and travel. To that end, the State is developing means to support parents' actions, either by direct aid to children or by providing services for parents and bestowing certain rights on them (health aid programmes for mothers and infants, family allowances, time off from work for nursing and maternity leave, possibility of special leave or leave of absence in the civil service for child-care reasons, assistance to disabled children, etc.).

C. Separation from parents (art. 9)

96. Djiboutian law does not provide for separating a child from his parents. However, if parents divorce, the Djiboutian sharia lays down the procedure for allocating custody of the child. The parent who has custody of the child must not prevent the other parent from visiting the child or inquiring after him. The parent who does not have custody may, on request, have the child brought to visit him or her at least once a week, unless the sharia judge decides otherwise in the interests of the child.

97. The Djiboutian Penal Code punishes anyone who does not respect decisions relating to custody and visiting rights (art. 467, which punishes non-production of a child by one year's imprisonment and a fine of DF 200,000).

D. Family reunification (art. 10)

98. The Republic of Djibouti puts no obstacles in the way of family reunification and welcomes the children of foreign workers or refugees living in its territory. Moreover, the principle of freedom of movement enshrined in the Constitution (art. 14) guarantees both Djiboutian nationals and aliens the right to leave the country freely. Regarding the residence of aliens, the legal provisions in force systematically grant residence permits to the whole family (parents and children) as soon as the mother and father hold a foreign resident's card and a residence permit.

E. Recovery of maintenance (art. 27)

59. In Djiboutian law, the maintenance obligation rests primarily on the parents, to the exclusion of all others. Applications for maintenance are submitted to the sharia court having jurisdiction in the dwelling place of the respondent or of the applicant, according to the latter's choice. It should also be noted that family allowances and social benefits should be given on dissolution of marriage to the parent who has custody of the child. The Djiboutian Penal Code punishes those who do not pay due maintenance.

F. Children deprived of a family environment (art. 20)

60. When parents divorce, custody of the child is given to one of them. The other parent's visiting rights are determined by a court ruling. If custody cannot be provided by one of the two parents, it is passed to a relative of the mother or the father, according to the order of priority laid down by the sharia judge.

61. Abandoned children or children of unknown parents are subject to a special regime which provides for a statement of abandonment by the court of first instance. Before this, the child is placed in a special institution or hostel run by the State, a local community organization or an association recognized to be of public benefit. If the competent court declares that the child has been abandoned, he is entrusted either to an institution responsible for the care of children or a social organization recognized to be of public benefit, or else to a married couple who can give guarantees for the healthy physical and moral development of the child. Attention must be paid here to the principle of non-discrimination on grounds of origin by birth, as set forth in various international instruments.

G. Adoption (art. 21)

62. Full adoption, where links of filiation with the adoptive family are created by placing the adopted child in the same legal situation as a legitimate child, does not exist in Djibouti. This institution is not, in fact, permitted by Muslim law.

H. Illicit transfer and non-return (art. 11)

63. The Republic of Djibouti has concluded various bilateral conventions on mutual judicial assistance with certain friendly countries in order to harmonize the respective laws on illicit transfer and non-return of children abroad.

I. Protection against all forms of abuse and neglect (arts. 19 and 39)

64. Djiboutian law guarantees the protection of the child against all forms of abuse and neglect. The Penal Code punishes assault, battery and other violence, whatever the status of the victim, and lays down punishments which vary in severity according to the seriousness of the injuries inflicted and the circumstances in which the offence was committed. However, children aged under 15 years enjoy special protection against maltreatment and also against

neglect which could jeopardize their health (arts. 453-470 of the Penal Code). If the culprit is an older relative or any other person with authority over or custody of the child, the punishment is increased proportionately, as laid down by penal law.

VI. BASIC HEALTH AND WELFARE

A. Survival and development (art. 6, para. 2)

65. During the 1980s, the health situation had improved noticeably thanks to a drop in mortality rates, especially infant mortality, and an improvement in maternal health. Infectious diseases and nutritional deficiencies had decreased, giving way to chronic diseases. However, the political and social situation deteriorated dramatically due to the financial crisis and the internal armed conflict.

66. Despite the severe financial difficulties suffered by the public services, the Government decided as of 1992 to exempt the Ministries of Health and Education from the recruitment limits imposed under the structural adjustment programme, authorizing them to fill vacant budget posts. The Ministry of Public Health and Social Affairs plans to free up resources in order to achieve the ratios of care staff recommended by the World Health Organization by 2010.

67. Health policy has, therefore, been a success in this period, based on the development of primary health-care services and the collaboration of the public sector and social security system in matters of family health. Activities have taken the form of programmes which cover safe motherhood, family stability, school health, the nutrition programme (promotion of breastfeeding, the baby-friendly hospital initiative, combating nutritional deficiencies: protein, energy, vitamin A, iron and iodine deficiencies), the expanded programme of immunization and the control of child diarrhoeal diseases, acute respiratory infections, tuberculosis, sexually transmitted diseases including AIDS, and malaria.

68. The main health and development programmes for children are as follows:

National programme to fight diarrhoeal diseases

69. According to statistical data, the most frequent cause of death is diarrhoea, with a rate of around 49 per cent. The high infant mortality rate reflects living conditions within households and in certain districts. Sanitation is, on the whole, inadequate. Septic tanks inside houses are a source of infection, as are the swarms of mosquitoes and flies. Sources of drinking water are often contaminated, particularly in certain areas of Djibouti City. In the long term, only modern hygiene standards, clean water and improvements in nutrition and living conditions will make it possible to reduce the incidence of diarrhoea in infants and children. However, at present, Djibouti already has the scientific knowledge and techniques, in the form of oral rehydration therapy (ORT), to prevent most of the deaths caused by diarrhoea.

70. It is, therefore, necessary to encourage families to administer a sufficient quantity of oral rehydration salts (ORS) to prevent dehydration, and to teach mothers to recognize the signs of dehydration in order to determine when sick children should be treated in hospital. It is also necessary to ensure that diarrhoea is treated properly with ORS sachets. Hence the programme to fight diarrhoeal diseases is being strengthened, with the aim of reducing mortality and morbidity caused by diarrhoea and dehydration, by ensuring:

Adequate care for the child suffering from diarrhoea, at home and within the health service;

Access to drinking water and proper use of the sanitation system, as well as the acquisition of good personal and domestic hygiene practices;

A system for monitoring diarrhoeal diseases.

Expanded Programme on Immunization

71. Djibouti signed up to the global strategy for an expanded programme on immunization (EPI) and the structures necessary to implement it were actually put in place in 1984, with the aim of achieving universal immunization coverage. Since then, immunization, which is one of the cornerstones of the action plan adopted by the Ministry of Public Health and Social Affairs, has been the most remarkable public health success of the past decade. The coverage rate, which had been extremely low - 7.5 per cent - at the beginning of the 1980s, reached more than 85 per cent as of 1989, thereby approaching the target of universal child immunization by 1990.

72. In order to achieve these objectives, substantial resources from the Ministry of Public Health, public bodies and charities were mobilized for the cause. This followed a decision by the authorities to make a personal and political commitment to achieving immunization of almost all children under one year old, and to use the Government's financial and organizational resources to that end.

73. Today, as a result of the action taken since EPI was set up, immunization has become common practice and forms an integral, everyday part of health policy, with vaccines dispensed by various means (mobile teams, direct contacting of potential beneficiaries, campaigns aimed at vulnerable groups) and through all services (maternal and child welfare centres, maternity hospitals, immunization centres). The current aims of EPI are to consolidate the achievements in universal child immunization, to strengthen efforts to ensure coverage of populations which are difficult to reach, such as nomads and displaced persons, and to strengthen the 24 monitoring centres and their method of operation. The eradication of neonatal tetanus and poliomyelitis by the year 2000 is another national objective.

Safe motherhood programme

74. The safe motherhood programme aims to reduce maternal mortality related to reproductive health and to improve maternal health generally through the following measures:

Food supplements, including iron/foliates;

Nutrition education and improvement of women's food knowledge and practices which, together with birth spacing, will reduce maternal anaemia and malnutrition;

Improved access to prenatal and post-natal care and improved childbirth conditions;

Promotion of family planning and breastfeeding, which will enable women's fertility rate to be reduced;

Gradual abolition of the practice of female circumcision, which is one of the basic requirements for improving women's health.

Programme to fight acute respiratory infections (ARI)

75. The programme to fight acute respiratory infections aims to reduce ARI mortality and morbidity by standardizing the treatment of children affected, by ensuring timely and appropriate care at home and within the health service, and by rationalizing the use of antibiotics in treatment. Once more, the strategy is based on training health staff and educating the population, as well as providing essential drugs.

National nutrition programme

76. A national survey conducted in March 1990 revealed the seriousness of the malnutrition problem in Djibouti: 10.7 per cent of Djiboutian infants were suffering from acute malnutrition and 22.4 per cent from chronic malnutrition. Nutritional deficiency remains a critical problem for the average household in Djibouti. Low and irregular income and poor management of the income available (due to excessive expenditure on khat), the exorbitant prices of 90 per cent of imported food products consumed in Djibouti, shortage of arable land, and underuse of local food resources, such as fish, all contribute to the problem of nutritional deficiency.

77. The national nutrition programme aims to reduce severe and moderate malnutrition in children by promoting breastfeeding, by encouraging better food knowledge and practices, with better use of products available locally, such as fish, and by establishing a system for monitoring children's growth in maternal and child health centres.

78. The strategy is based on training health staff, supporting and equipping health centres, educating the population and providing information through the media and through health staff.

National programme to fight AIDS

79. The programme to fight AIDS aims to limit the transmission of AIDS by making the population more aware of the disease, its seriousness and how it is transmitted and contracted. This will be achieved by promoting primary health care for sufferers, by general improvements in hospital and sanitary hygiene and by education and continuous campaigning.

B. Disabled children (art. 23)

80. There are no reliable statistics on disabled people in Djibouti (numbers and the nature of their disability). However, they are a disadvantaged social group since their physical or mental disability prevents them from earning a living. The authorities, particularly through external support, have taken action to provide care for the disabled by building a functional rehabilitation centre which has a physiotherapy unit and a workshop for making and repairing appliances, including crutches and walking sticks. Also, a national NGO has initiated specific action to help the disabled through training, massage sessions and the organization of sporting events. Despite all these efforts, little progress has been made in integrating disabled people into society.

81. Many of the disabled are marginalized and often reduced to begging. Once again, family solidarity and aid from generous donors enable them to survive. The number of physically disabled people increased dramatically as a result of the armed conflict. In the future, it will be necessary to readdress the situation of disabled people in society and expand the mandate of the institutions which are responsible for making their social integration easier.

C. Health and health services (art. 24)

82. Health is a vital element in the development process. Individuals cannot contribute effectively to economic and social life unless they are in good health: disease and death eliminate them from productive activity, thus holding back the country's potential for development. In all countries at a similar level of development, maternal and child health is an essential component of public health. This is particularly true of the Republic of Djibouti, where the health system serves disadvantaged foreign populations and where the traditional environment does little to help the most deprived. Therefore, in spite of the efforts made, Djibouti still has high maternal and infant mortality rates and worrying rates of malnutrition and anaemia.

83. Despite many objective constraints, the efforts made have led to a perceptible improvement in the situation. When the country became independent, the public health sector had three hospitals and 12 clinics; in 1996, the numbers were six and 32 respectively, plus a maternity hospital, which largely covered the needs of the population. Thirty-six maternal and child welfare centres have been set up within the health service. The infant mortality rate dropped from 200 per 1,000 births in 1984 to 114 per 1,000 in 1989. The maternal mortality rate fell from 740 per 100,000 live births

in 1989 to 446 per 100,000 in 1995 (hospital statistics). The proportion of fully immunized children rose from 7.5 per cent in 1980 to 85 per cent in 1989 and 88 per cent in 1996.

84. The Government's health policy, as stated in the five-year plan and the law providing the framework for economic and social development, is aimed at improving living conditions in all sectors of society; they highlight the strategy necessary for implementing the policy of putting primary health care and preventive services at the centre of health-care provision. A reform of the health system was adopted by the Council of Ministers in June 1996. It affects the organization, financing and functioning of the system. The new organization chart incorporates all the prevention programmes. There is a plan to create a health planning, research and evaluation service responsible for setting up a national health information system and a national unit to coordinate maternal and child welfare centres. This would be a forerunner of the Family Health Department. The policy for providing essential drugs is currently being adopted by the Government, having been approved by all the health sectors.

D. Social security and child-care facilities (arts. 26 and 18, para. 3)

85. Social security and services: social security cover in Djibouti is made up, on the one hand, of a State system comprising a pension fund, a social benefits fund and health services reserved for salaried employees or the poor, and, on the other hand, of informal community support networks.

86. The social welfare system reaches only a small proportion of the population: salaried employees, who represent only 11.3 per cent of the working-age population and 5.7 per cent of the total population of the country. It provides for intervention by a certain number of organizations and services: the Social Benefits Fund, the Intercompany Medical Service, the general State budget, the National Pension Fund, the Military Pension Fund and the Ministry of Public Health and Social Affairs. Transfer payments made by the social security system in the broad sense account for a significant proportion of national redistribution, at around DF 6 billion each year.

87. The present status of the Social Benefits Fund has certain shortcomings because its purposes are unclear and its management is ill-adapted. Technical legislation is still deficient as it does not take all forms of employment into account. The collection of contributions is not fully under control; there are deficiencies in the administration of contributions; the system of allocating family benefits is poorly harmonized with State social policy and the pension system is inadequate. To alleviate this situation, the Government will implement International Labour Organization (ILO) recommendations. The reform proposals cover three areas. First, the potential role of social welfare in Djibouti, and more particularly, that of the social security system as such, will have to be defined. A second concern will be to determine the best status for the Social Benefits Fund so that it can carry out its tasks with maximum efficiency. Lastly, substantial amendments will be made to the technical legislation on social security, in order to adapt it to the current social and economic context.

88. Child-care facilities: Djibouti has few closed institutions. There is the centre belonging to the National Association for Youth Welfare for boys and the Mother and Child Centre for girls. The experience of many countries has shown that institutions which deprive children of freedom and do not allow them to become integrated into society do not solve the problems of street children and delinquency. Officials or employees cannot give children the affection and attention they need or replace their family. Closed institutions do not promote the forming of a child's personality, his development or his socialization. However, in Djibouti, the two institutions which take in children deprived of a family - the children with whom we are concerned here - enjoy a privileged status and certainly play a positive role.

89. The Mother and Child Centre: in fact, this centre accepts girls only. It has a capacity of 350 places and there are currently 350 residents aged from 5 to 18, of Djiboutian nationality. Of these young girls, approximately 200 are orphans; the others come from poor families which are not capable of taking care of their children. Girls of primary school age are taught in the centre and those of secondary school age go to a State school. Girls who have dropped out of school receive remedial teaching, as well as learning home economics, embroidery and sewing. Living conditions in the centre are quite satisfactory and its school results are generally good and well above the average standard of State schools. Some former residents have been awarded grants for higher education abroad and continue to be monitored by the centre, which has a sick bay with staff, equipment and medication allowing for proper examination of patients and the provision of basic care. Girls who have family receive visits once a week, every Friday, and on public holidays.

90. The National Association for Youth Welfare (ANPJ) centre: this centre houses boys aged between 6 and 18. The age range for admission is 6 to 10 (whereas State schools do not admit children over 6 years of age). The centre has a boarding facility with 80 places, all of which are occupied at present. The boarders are either orphans or children from poor families. Other teenagers who are also considered welfare cases, but whose families are able to provide partially for their needs, come to the centre to take vocational training courses and have one meal a day there. They number 240. All the beneficiaries are of Djiboutian nationality; refugees are not accepted because there are not enough places even to meet the demand from Djiboutian nationals.

91. It is clear, then, that these two institutions, which ensure shelter, proper food and training for young Djiboutians with no family, provide a service but cannot meet the demand fully, since the demand for places is much greater than the number available. If this approach is not accompanied by other measures, it tackles the symptoms but not the causes of the problem of street children and children with no family. It requires substantial financial resources but produces limited quantitative results.

E. Standard of living (art. 27)

92. Generally speaking, the population of Djibouti experiences the same difficulties as the populations of other members of the group of least developed countries in enjoying the benefit of an environment conducive to sustainable human development. This statement should, however, be qualified

and factors specific to Djibouti should be taken into account: it is a young country without natural resources and with a population of nomadic origin which today needs to acquire the methods, tools and habits of peoples who already have long experience of the urban world and of modern techniques.

93. Today, rural poverty (70 per cent of the rural population lives below the poverty line) reflects the crisis of pastoralism, which is no longer able to meet the needs of pastoral farmers' families, and also reflects the country's inability to meet everyone's needs everywhere at the same time. As a result of rural-urban migration, rural poverty has spread rapidly to urban centres, whose population more than doubled between 1983 and 1996 (more than 500,000 people in 1996). This means that, today, two thirds of the population have an income considered low by the International Labour Organization. The poorest survive on private transfers and derive little benefit from the country's social development: neither schooling nor free health services provide them with the means to compensate for their economic vulnerability.

94. In addition to the unemployed (54 per cent of the population of working age), most young people aged 15 to 24 today live with the threat of their situation deteriorating. In fact, all of them, including those who have never been to school (40 per cent of young people), school drop-outs (80 per cent of school pupils) or qualified job-seekers, spend their time waiting for a way to integrate into society which will provide them with an income. However, while young people have great difficulty from an early age in achieving social integration, it is females in particular who suffer most from the inadequacy of social services and the difficulty of earning a regular income: the high rate of maternal mortality, the low school enrolment rate for girls (one girl for every two boys) and the many cases of sexually transmitted diseases (particularly AIDS) among women also indicate their acute vulnerability.

95. Recent events, including civil war and natural disasters (exceptional floods in 1994, repeated droughts) have exacerbated poverty. There is furthermore a risk that if no corrective measures are taken, the structural adjustment agreed on in 1996 will cause a worsening of living conditions: the recruitment freeze in the public sector could lead to the emergence of "new poor" among qualified people; the loss of civil servants' purchasing power could limit private transfers; and the lack of an operating budget in some ministries could deprive the population of their services. Finally, and more generally, the economic crisis has manifested itself in an estimated 20 per cent fall in real GDP per capita since 1990, representing a significant drop in households' purchasing power.

96. Convinced of the urgency of tackling these problems, the Government has decided that strengthening peace and fighting poverty should be the priorities in policy to be implemented between 1997 and 1999. Since 1995 and 1996, certain measures have been taken in this regard: reduction of military spending by demobilizing a substantial number of troops, preparation of a draft bill on decentralization creating local authorities which are more in touch with the population's needs, urgent rehabilitation of war-affected areas and support for the return of displaced populations.

97. By adopting the conclusions and resolutions of the Copenhagen World Summit for Social Development, the Government has already expressed its

intention to invest in national human resources development in order ultimately to eliminate poverty in the Republic of Djibouti. The measures taken to re-establish the macroeconomic balance will create a favourable environment for gradual implementation of such a policy, and the Government intends to take this opportunity to rethink and revitalize policies for encouraging the country's social development.

98. This position taken by the Government fits within the positive context created by two international initiatives: the Special Initiative for Africa, launched in April 1997, and the 20/20 Initiative adopted at Copenhagen and given further impetus by the Oslo Consensus in April 1996. The Government, adhering to the strategy agreed upon at Oslo, therefore intends in the medium term to increase to 20 per cent of its budget the resources allocated to sectors covered by the 20/20 Initiative: primary education and related activities (teacher training, production of books, etc.), clinics and activities associated with maternal welfare (family planning, maternity hospitals) and, finally, supply of drinking water.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

99. Educational, cultural and leisure activities are vital factors in the development and blossoming of an individual's personality. Cultural activities enable particularly the development of a critical faculty and the ability to make judgements. Acquiring knowledge in various fields also helps to open the mind and makes the individual more able to perceive and appreciate events in an objective and discerning way. Leisure, which can be described as a set of pastimes and recreational activities which occupy the hours when a person is freed from his usual routine, should be considered a vital element in any balanced human being.

A. Education, including vocational training and guidance (art. 28)

Education and training

100. Education is undeniably the determining factor in a country's development. In fact, many development specialists have shown that education plays a positive role in the development of other areas of economic and social life: health, employment, income, production (particularly agricultural production) and demography. For example, as mothers' level of education increases, infant mortality drops. More generally, preventive health-care measures and standards of hygiene vary according to individuals' level of education. Similarly, education greatly influences access to employment. A number of statistical studies show that, in fact, the most highly qualified people are more successful in the labour market. Obtaining a job means ensuring a relatively high and, above all, stable income. This allows people to improve their living conditions, particularly as regards food and housing.

101. All this demonstrates the vital role of education in the process of development and in fighting poverty. Consequently, it is important to pay particular attention to it and to make it a priority in budget decisions. In this spirit, the Djiboutian Government has clearly affirmed, since the country became independent, its political will to achieve universal elementary education as soon as possible and has backed up this commitment by drafting a

law providing the framework for economic and social development from 1991 to 2000 which emphasizes the need to maximize the use of human resources by creating universal access to education. However, such action, which is a priority for the Government, will have limited impact unless appropriate and substantial funds are allocated to the Ministry of Education.

102. Thus, the Djiboutian Government in general, and the Ministry of Education in particular, are making continued efforts to improve access to basic education for children, and especially girls, in order to achieve the objectives set forth at the World Conference on Education for All, held at Jomtien in Thailand in 1990, and supplemented by those outlined at the Conference of Ministers of Education of French-speaking Countries held in Yaoundé in 1994, and the action recommended at the World Summit for Children in 1990. The priority objectives of the policy defined by the Government are, therefore, to give all Djiboutians basic training which will enable them to integrate into society and the world of work; and to create a system of pre-vocational training and an institutional framework to promote dialogue between the Ministry of Education and its partners.

Education and the national action plan

103. The Djiboutian education system, inherited from the French colonial era, kept the characteristics of that model until recently. A strongly selective system, with competitive entry at different levels, end-of-year examinations and a desire for knowledge, is found in both primary and secondary schools. This loyalty to distant origins can be explained by a desire to preserve the Djiboutian baccalaureat's value as a passport to the university systems of French-speaking countries or to higher education in France.

104. Over the last five years, changes have been taking place. They relate mainly to primary education, where the curricula have been revised to introduce ideas which correspond more closely to the situation in Djibouti and teaching methods which make active demands on pupils' intelligence, such as an edition of the Guide to Civic and Moral Education, incorporating the rights of the child. Modernization of secondary education is also beginning, at the initiative of the National Education Centre for Research and Pedagogical Information (CRIPEN). Careful consideration needs to be given to the quality of the teaching provided as well as to the running of the education system. In a society which is still largely based on nomadic pastoral activity, schools cannot be expected to have already built a culture of knowledge and intellectual competition. Primary schools, which are well established in a geographically extensive network, admit children for teaching in French, although their mother tongue is Somali or Afar.

105. The main educational objectives set by the Government are, inter alia:

To make basic education available to all;

To reduce the school drop-out rate by improving the quality of teaching and by increasing the capacity of the education system;

To adapt the content of primary and secondary education to the current sociocultural situation, by granting CRIPEN more financial resources and greater administrative autonomy;

To institutionalize the adult literacy programme;

To strengthen technical and vocational teaching and to adapt the curricula to market needs;

To fight sexual discrimination by launching a media campaign to promote schooling for girls;

To give priority, when allocating grants, to students who enrol in courses which offer opportunities in the tertiary sector (business management, business law, international trade, computing, languages, etc.);

To improve training for those who train others (in particular by raising the recruitment standard for primary school teachers, who must be recruited after the baccalaureat, and by organizing refresher courses for teachers);

To create a technical university institute which would enable senior technicians to be trained, supplementing the Industrial and Commercial High School, which already trains junior technicians.

(a) Making basic education available to all

106. Commendable successes have, in fact, been achieved in schooling for Djiboutian children. Between 1977 and 1995, despite limited resources, the school enrolment rate is estimated to have risen from 20 per cent to around 60 per cent, although the rate for girls, at about 45 per cent, did not rise as quickly as that for boys. More than 36,000 children today (compared to 10,198 in 1977) are enrolled in primary schools and no other network in Djiboutian civil society is as well established as the network of schools, which can be found in almost all villages.

107. In order not to increase the current overcrowding in classrooms, schools are undertaking to put all children in new classrooms, preferably constructed at low cost. Private education, which is set to expand, could also absorb some of the new pupils. The evolution of primary education "towards elementary education for all" is based on the general objectives set forth in the Ministry of Education's plan, which are as follows:

To develop primary education into elementary education for all, with legitimacy and purposes in its own right, rather than being simply a preparation for secondary education;

To emphasize practical skills rather than theoretical knowledge alone and, generally, to focus on the practical aspects of problems;

To establish new assessment procedures for pupils, eventually including an examination at the end of elementary education which will be totally restructured so as to be a positive reflection of the knowledge and skills acquired by the young person.

(b) Institutionalizing the adult literacy programme

108. The Djiboutian Government is aware that efforts to enrol young people in school are not sufficient on their own to resolve the problem of illiteracy. Many people's basic education needs are not met and there is consequently a serious illiteracy problem in the Republic of Djibouti. Moreover, the situation is made worse by the fact that many foreign children have not been able to enrol in school due to a shortage of places. These new generations of illiterate children will join the ranks of illiterate adults, which are continually swollen by the migratory surplus estimated at more than 3 per cent of the population annually.

109. In 1990, i.e. 13 years after independence, the Djiboutian Government realized that efforts to enrol young people in school were not sufficient on their own to resolve the country's illiteracy problem. Official figures from a survey carried out in the 1980s showed that the illiteracy rate was 85 per cent for males and 91 per cent for females, that illiteracy affected people of all ages and that, like everywhere else in the world, women were affected most. Subsequent to the recommendations of international organizations, and in particular those of the World Conference on Education for All, Djibouti, following the example of many countries in the African and Arab regions, decided to address the issue of adult literacy, particularly female literacy. This national literacy programme aimed to teach adults who were parents to:

Read important documents (birth certificates, pay-slips, prescriptions, etc.);

Use arithmetic to manage their family's finances properly;

Read their children's school marks;

Understand documents and diagrams relating to child health and health in the home, the local area and the whole community.

110. These efforts, together with those of the National Union of Djiboutian Women, have been successful: the latest national survey, carried out in 1996, showed that the rate of illiteracy then had dropped (males: 42.6 per cent, females: 68.6 per cent). Illiteracy is regarded as the most significant obstacle to the development of health and social life, the establishment of working relationships and communication and, finally, the fulfilment by parents, particularly mothers, of their responsibilities towards their school-age children. For the Republic of Djibouti, eliminating illiteracy is more necessary than ever for improving the effectiveness of education.

111. The Ministry of Education's priorities are to optimize both the quantitative and qualitative effectiveness of the curriculum, making use of scientific evaluations in order to pinpoint variables which need improvement;

to continue the literacy programme, which will need to reach a broader public, with particular efforts to target women and girls; and to establish a policy for training literacy teachers and developing suitable teaching materials.

(c) Improving access to school for girls

112. Educating girls is generally considered to be the "best investment" that most developing countries can make. Indeed, it is now proved that the most educated women do better and have children who enjoy better health and greater success at school and in life. The education of girls is, therefore, not only an imprescriptible right but also an essential requirement for the health and success of future generations.

113. The percentage of girls enrolled in the formal system is small compared to the female population, which is estimated at 48.2 per cent. The disparity between the numbers of girls and boys is even more pronounced in rural schools. Two thirds of children not enrolled in school are girls. Moreover, it is often the case that more girls than boys are subject to delayed admission. This imbalance, to girls' disadvantage, is exacerbated by the greater school drop-out rate among girls.

114. Although the school enrolment rate for girls aged between 6 and 14 is moving towards equality with the rate for boys, it still remains low. That is why the Ministry of Education considered it essential to draw up an education plan for girls, aimed at eliminating the social and cultural obstacles which discourage them from following the regular education programmes, or even exclude them, and aimed at ensuring that they have equal opportunities in all aspects of their lives. The "Education for Girls" project aims to increase the number of girls enrolled in school in both the formal and informal sectors.

115. The project will, therefore, seek to increase the enrolment of girls in primary schools to 90 per cent by the year 2000; to reduce the number of drop-outs and expulsions and the repeater rate to 10 per cent; to enable 80 per cent of girls aged 9 to 14 to have knowledge and skills appropriate to their needs by the year 2000; to organize a campaign to improve families' awareness of girls' educational needs, making good use of education to promote health and family and social life, and encouraging associations which are working to eliminate illiteracy (particularly those directed at women).

(d) Diversifying the objectives of primary education

116. Just under 50 per cent of school-age children are admitted to primary school, and almost 80 per cent of those pupils do not pursue their studies at secondary school. Moreover, a significant proportion of them have not derived the full benefit desired from their time at school, particularly in French. The quality of the new curricula is high, but practical knowledge, which allows young people to understand their environment, basic scientific and technical skills, such as basic health concepts, and working with certain materials, which are included in the curriculum, are not taught much and often teachers do not have a good grasp of such issues. Integrating young people like these into working life is all the more difficult for that reason.

117. The new way of teaching French and the set of teaching aids which accompany it (the "new teaching package") are of high quality but require abilities and autonomy on the part of teachers which the majority of them do not yet have. However, the method has only just been established and continued training should help the situation. Moreover, it should be remembered that the growing demand for education, which is expected to more than double in the next 10 years, will need to be accompanied by an increase in the number of teachers and classrooms, because the methods developed in the new teaching package are incompatible with overcrowded classes.

118. Those who leave the education system at the end of primary school have no genuinely recognized qualification because the existing certificate of primary education is falling into disuse due to its lack of relevance to the entrance examination for the first year of secondary school, and because it does not provide relevant qualifications for the integration into social and professional life. By adapting the content of school curricula and teacher training in order to open up more opportunities in the world, the current reform will enable children to be better prepared for future participation in the country's development. Teaching methods and content will be revised within a maximum period of six years (one stage per year): there will be greater emphasis on the basics (reading, writing, arithmetic) and on skills which help to alleviate the vulnerability of the most disadvantaged populations (elementary technology, basic health and hygiene). Specific skills related to local development will be promoted so that school leavers will be better equipped to pursue activities in the formal or informal sectors, at local level, such as gardening, rearing livestock, making or repairing everyday objects, etc. Radio and television for schools will also contribute by broadcasting programmes in Afar and Somali to enhance teaching.

Vocational guidance

119. Since independence, the national education system has not really been oriented towards the employment market. Priority has been given to expanding primary and lower secondary school capacity, rather than to establishing training structures to facilitate integration into the world of work. The State traditionally provides the preferred opening for many job applicants, whatever the requirements of the job applied for. The State is a major employer, to the extent that the wage bill today accounts for almost 70 per cent of the national budget.

120. In spite of the progress made, training for employment, according to the 1995 national report on social development, seems far from ideal, because 43.5 per cent of the working population are unemployed: that is, 42 per cent of men and 46 per cent of women, and young people are affected most of all. The problems relate not only to reduced capacity for creating jobs but also to vocational training for job applicants. Many businesses do not find suitable candidates and therefore invite applications from highly qualified foreign workers. Young people are thus severely affected, especially when the rigorous selection process and their lack of professional qualifications are taken into account.

121. Faced with these facts, the Djiboutian Government has made every effort to adapt the vocational training available (courses and structures) to the socio-economic situation. Today, Djibouti has the potential for modern

vocational training capable of delivering, in the services sector as well as the secondary sector, the improvements in qualifications needed to modernize and develop the formal sector of the country's economy. The Industrial and Commercial High School which opened in September 1993 and was a project brought to fruition with 98 per cent of the anticipated investment, is a resource wholly adapted to achieving these objectives.

122. The definitions (specialisms) and content (core skills or programmes) of the initial training courses offered will, however, have to adapt to evolving qualification needs. The output of qualified people will also be adjusted according to employment trends in Djibouti and the subregion. The need for constant professional training and retraining for manual workers and salaried employees in Djiboutian companies will also be met by continuing the measures already begun within the context of the Interface Association, created in 1994. However, the diversity of needs and the development of coordinated action by public operators (Industrial and Commercial High School, State High School, Adult Vocational Training Centre) and private operators (training departments of certain large companies and others) will necessitate a change in the support mechanism for continued adult training in the near future.

123. The informal sector, with its diverse areas of activity, represents approximately 70 per cent of the working population who are in employment. It is made up of small-scale production of everyday objects (undeclared) cultural and artistic crafts, street traders and domestic services, and provides a large section of the population with a living. The education system has an important role to play in helping some of those who are employed or unemployed in the sector to achieve standards of production which are more competitive and closer to standards in the formal sector.

B. Leisure, recreation and cultural activities (art. 31)

124. Article 31 of the Convention makes explicit the child's right to leisure. This clause urges States parties to promote the participation of children in cultural and sporting life, from the youngest age, although it does not impose these activities on them. "Leisure", "recreational activities" and "entertainment" are all expressions that refer to the pleasurable pursuits with which individuals fill their free time. Such pastimes, beyond their function as play or entertainment, help to sharpen the child's reflexes, give him physical exercise and improve his intellectual capabilities. For the child, it is a means of socialization and a stimulus for development, maintaining his psycho-physiological equilibrium.

125. During the colonial period and the first years of independence, the authorities built "youth and culture centres" in working-class areas. Today, these centres are no longer functioning. The Ministry of Youth, Sport and Cultural Affairs, responsible for these public centres, has ceased to maintain and manage them because it lacks the means to do so. Indeed, it is true that the deteriorating economic situation and the consequent policy of budgetary austerity have affected this ministerial department's financial resources.

126. A decade ago, this lack of recreation centres was not a cause of great concern for young people, because young Djiboutians, particularly those from

disadvantaged sectors of society, were happy to use wasteland and empty spaces to play sports. Unfortunately, however, the craze for building new properties and unfettered urbanization have since swallowed up or submerged these areas which are vital to children's development. The reasons generally given for this situation are economic ones.

127. Vulnerable children, just like other children, do not need adults in order to play and to create their own entertainments. In an informal sense, we need first of all to understand that unbounded space where games are governed only by the child's imagination. Children who are enrolled in school, particularly those in secondary school, are spoilt in comparison with those not attending school. Pupils at the secondary level take part in the life of their school through extracurricular activities and events. There is a comprehensive range of sports clubs and art groups supervised by teachers or education administration officials: computer clubs, theatre clubs, newspaper clubs, football teams, folk dancing troupes, etc. Secondary school pupils have the opportunity to join one of these clubs which interests them, in order to spend time on their favourite hobby.

128. As for media-related recreation, Djibouti radio and television broadcast a daily television programme for children (cartoons) and regular locally produced programmes (educational games, stories and legends) which are very popular among children aged 5 to 12. CRIPEN, supported by UNICEF, broadcasts a national radio programme aimed not only at the "school audience" but at all young Djiboutians. "School Radio" and "Over to You, Kids" meet educational needs and furthermore try to help young people assimilate their cultural heritage. They broadcast young people's debates; meetings with experts who have vast knowledge of traditions; quiz shows, etc.

129. Private companies sponsor sports clubs taking part in official competitions. Many football, handball, basketball and volleyball clubs gain valuable experience in national competitions, under the name of and thanks to the sponsorship of private economic units and parastatals. Finally, attention should be drawn here to the work done for children by international charitable NGOs, such as the Rotary Club and the Lions Club. Examples include the distribution of toys, financial assistance to small local associations to implement projects aimed at young people and help in renovating play areas.

130. The Constitution of 4 September 1992, which instituted political pluralism, led to the emergence of a crop of community groups. Among these associations which began with the move towards democratization, special mention should be made of the work carried out on the ground for the benefit of young Djiboutians by many community organizations, which have become renowned for their positive activism and their general concern for young people. These community groups organize regular social and sporting competitions and popular demonstrations aimed at increasing awareness of specific issues.

131. Generally, the country's recreation infrastructure is inadequate. Even though children benefit from the efforts of various social organizations which arrange sociocultural events for them, regularly involve them in their festivities and support some of their initiatives, they will not avoid

anti-leisure activities unless they are considered members of society, even partners in it, whose needs and aspirations should be taken into consideration.

132. The Republic of Djibouti needs to improve its leisure infrastructure in order to comply with the spirit of the Convention on the Rights of the Child, particularly article 31. The child must be considered a full citizen with the right to enjoy recreational activities and the need to take part in the sociocultural life of his local area, irrespective of social position or sex. A joint programme for all the organizations involved in this area of social life, based on in-depth studies of children's recreational needs, seems to us to be the condition sine qua non for the success of a policy which aims to develop healthy children in a country where the under-15s represent 41 per cent of the population.

133. Social actors (the authorities, local associations, foreign NGOs, United Nations bodies and economic investors) must agree on a "common platform" centred on the means necessary for restoring the leisure infrastructure and establishing recreation centres for children. The degree of a child's social development today is a decisive factor in shaping his adult personality tomorrow.

VII. SPECIAL PROTECTION MEASURES

134. The child's right to protection is an essential element in the Convention on the Rights of the Child, arising from the child's vulnerability, both physical and moral or intellectual. This right to assistance must be honoured primarily by the parents who, by the very fact of having a child, have entered into an obligation towards a being who is not fully formed and who is totally dependent on adults to meet his physical and emotional needs. That is why the main role of the State, needless to say, is to give assistance to those who are primarily responsible for the child, i.e. the parents, by helping them to understand better their responsibilities in this area and to fulfil them more effectively.

A. Children in situations of emergency (arts. 22, 38 and 39)

135. Since becoming independent, the Republic of Djibouti has made sustained efforts to provide aid to refugee children as well as to their parents. It has given refugees as much aid and assistance as it can. Ethiopian and Somalian children and their parents have found refuge in Djibouti and enjoy support from both the authorities and non-governmental organizations. At the President's initiative, a special hostel for orphans, street children and abandoned children has been set up. It provides these children, who are in situations of emergency, with all the assistance of which they have been unjustly deprived in their formative years.

B. Children in conflict with the law (arts. 40, 37 and 39)

136. Many of the principles and ideals contained in international protection instruments recognizing the right of young offenders to special treatment, both in the administration of justice for minors and as regards the sentences passed on them, are enshrined in Djiboutian law.

Administration of juvenile justice

137. The legal provisions in force in Djibouti confirm the legislator's concern to ensure that child offenders enjoy special protected status and justice appropriate to their situation, based on the relevant principles of humanitarian law and guided by information from the human and social sciences. The juvenile enjoys the guarantees set out in the Code of Penal Procedure regarding presumption of innocence, respect for the rules governing investigative and trial proceedings, and judicial remedy (arts. 497-500 of the Code).

138. In the case of minor offences, the court sits in camera. In criminal matters, the Code of Penal Procedure requires the juvenile magistrate to inform the parents, guardian or other person granted custody of the child before any action is taken. If an accused minor has adult co-perpetrators or accomplices, separate proceedings are compulsory. Minors who commit ordinary offences are tried by the court of first instance, where a single judge takes a decision in chambers which may be appealed to the Correctional Chamber of the Court of Appeal. Serious offences committed by minors come under the jurisdiction of the Criminal Court, which hears the case in chambers. Under article 500 of the Code of Penal Procedure, no proceedings or rulings may be reported in the press; such reporting is punishable by six months' imprisonment and a fine of DF 100,000.

Treatment of children deprived of their liberty

139. A criminal offence is not punishable if the accused was under 13 at the time of its commission. Offenders aged 13 or over may be temporarily placed in a penal institution only if such a measure seems essential or if no other action is feasible. In such cases, the minor is placed in a special institution or, failing that, under supervision in the rehabilitation centre set aside for minors, where, as far as possible, they are separated at night from other detainees.

Sentencing of juveniles

140. If the charges against the minor are proven, the juvenile magistrate imposes one of the following measures in a reasoned decision: return of the child to his parents, guardian, the person who had custody of him or a person in a position of trust; placement in an approved public or private institution or establishment for education or vocational training; placement in an appropriate residential institution for juvenile offenders.

141. Custodial penalties should be reduced as follows: if the offence committed is punishable by life imprisonment for adult offenders (the death penalty does not exist in Djibouti), the minor must be sentenced to 10 to 20 years' imprisonment; if the offence is punishable by imprisonment, the maximum and minimum penalties stipulated by the law must be halved. Deprivation of liberty may not, therefore, exceed 20 years. Moreover, it should be emphasized that, in practice, minors are sentenced to imprisonment only in exceptional circumstances, in the event of a repeat offence.

Physical and psychological recovery and social reintegration

142. After arrest and before trial of a minor, an inquiry must be carried out into his personality, social environment, past history, etc. If a criminal offence has been committed, the inquiry is carried out within the framework of pre-trial proceedings, which are compulsory in such cases. The Code of Penal Procedure lays down temporary measures which allow the minor to be placed in an observation centre if this appears necessary. While awaiting trial, the minor may also be returned to his parents under the system of non-custodial supervision.

143. A minor placed in a rehabilitation centre receives schooling and vocational training from tutors, which should help him to reintegrate into society. However, the resources available to these institutions in Djibouti are not yet sufficient for them to achieve their objectives in the best possible circumstances.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration (arts. 32-36 and 39)

Economic exploitation, including child labour

144. In rural areas, it is rare for young people to have regular paid work, whereas in urban areas, such work is performed by young people under 15 years of age. A similar form of exploitation may exist even in the context of family work, since the majority of children in rural areas, who have not been to school or who dropped out at a young age, end up working on the family farm.

145. In urban areas, children take part in their parents' or third parties' economic activities: in trade, catering, crafts and small-scale business in the informal sector. This work is done mainly by street children and children whose families are deprived and cannot support them or see these activities as an alternative when the children have failed at school. Another form of child exploitation, particularly involving young girls, is paid housework. These young servants are generally given accommodation and food by their employers and are often paid modest sums.

146. Finally, some young people whose parents are unable to take care of them (if the family has many children or the parents are separated, ill or have been unemployed for a long time, etc.) work directly for their own living, usually earning a low income from cleaning shoes, selling cigarettes, washing cars, assisting drivers, etc. The exploitation of children through labour is a social phenomenon rooted in history and perpetuated by poverty. Although targeting the most dangerous cases can help to alleviate them, it is certain that the only way to eradicate the problem is to make education available to all, to give large-scale assistance to young people in difficult circumstances and to improve their parents' standard of living.

Drug abuse

147. Drug abuse is formally prohibited in Djibouti. Djiboutian law sets severe penalties for users and traffickers. If a minor is exploited in the illicit drug trade, the law regards this as an aggravating circumstance in the offence committed.

Sexual exploitation and sexual abuse

(a) Sexual exploitation

148. Djiboutian law prohibits soliciting as well as prostitution and all immoral acts. If the victim is young, the penalty is always heavier. Indecent assault or non-violent sexual assault is thus punishable, if committed or attempted against a minor under 15 years old of either sex, by three to five years' imprisonment (art. 349 of the Penal Code). Similarly for rape, if the victim is a minor under 15, the sentence is doubled. A 10-year prison sentence becomes 20 years' imprisonment under article 344 of the Penal Code.

(b) Sexual abuse

149. Moreover, all sentences are automatically doubled if the perpetrators of sexual abuse "are older relatives of the victim or if they have any kind of authority over the victim". Finally, it should be added that the law is particularly severe in rape cases; it provides that consent is to be considered impossible if the victim is under 13 years of age.

150. However exemplary the sentences may be with respect to protecting the child against maltreatment affecting his safety or development, they could prove inadequate to safeguard the child's welfare if they are not preceded by general preventive measures.

Other forms of exploitation

151. Apart from the exploitation of children through labour and sexual exploitation of them, other forms of exploitation are covered by special provisions. For example, the child is protected against exploitation for immoral or illegal purposes.

Sale, trafficking and abduction of children

152. In Djibouti, the sale of human beings is absolutely prohibited by the legal system. It is contrary to the Constitution, which lays down the equality of all citizens and guarantees fundamental freedoms (freedom of movement and of expression, etc.). It is contrary to public policy, which means that any transaction of this kind would be null and void. Moreover, the abduction of children is covered by criminal law and is severely punished.

D. Children belonging to a minority or an indigenous group (art. 30)

153. Djiboutian society is characterized by its cultural and religious homogeneity. The situation of children belonging to a minority or an indigenous group is not, therefore, an issue in Djibouti.